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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,208	09/15/2003	Michael Herscovici	ARC920030035US1	2207
26381	7590	07/20/2006	EXAMINER	
LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			PHAM, KHANH B	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,208	Applicant(s) HERSCOVICI ET AL.	
	Examiner Khanh B. Pham	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Declaration filed on April 11, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Berton reference.

2. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Berton reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). In this case, applicant did not submit any evidence to establish a conception of the invention prior to the effective date of the Berton reference. Accordingly, Berton is a proper reference and the rejection under 35 U.S.C 102 based upon Berton to claims 1-19 is hereby maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. **Claims 1-19** are rejected under 35 U.S.C. **102(e)** as being anticipated by Berton et al. (US 2004/0143644 A1), hereinafter "**Berton**".

As per claims 1, 8, Berton teaches a method and an article of manufacture for identify documents most relevant to a query comprising:

- "determining a query class for the query, said query class associated with a routing function and a ranking function" at page 2, [0022], page 6, [0037] and Fig. 1.
- "said routing function capable of determining subsets of the collection that most likely include the most relevant documents" at page 6, [0037];
- "and said ranking function capable of sorting the documents in terms of relevancy" at page 7, [0039];
- "identifying a set of indices most relevant to said query" at page 6, [0037];
- "identifying a set of documents related to said query based on said determined indices, said identification performed via passing said ranking function associated with said determined query class along with said query to each search engine that manages a determined index from a collection of relevant indices" at page 6, [0037], and Figs. 2a-c.
- "collecting results ranked based upon said ranking function and merging and sorting said collected results by relevancy" at page 7, [0038]-[0039];
- "returning a subset of the highest ranked documents as the documents most relevant to the query" at page 7, [0038]-[0039].

As per claims 2, 9, Berton teaches the method and article of manufacture of claims 1, 8, wherein “said step for determining a query class further comprise:

- analyzing user profile data, user search context and history data, log file data, and index statistics, or other query related external data” at page 6, [0037]
- “utilizing said analyzed data in determining a query class for said search query”

As per claims 3, 10, Berton teaches the method and article of manufacture of claims 1, 8, wherein “said step for identifying a set of indices further comprises the step of using routing information obtained from applying said routing function associated with said query class to determined said set of indices” at page 6, [0037].

As per claim 4, Berton teaches the method of claim 1, wherein “said step of returning a subset of the highest ranked documents further comprises the following step: assigning each search result item a relevancy score, and returning a predetermined subset of results from said search results” at page 7, [0038]-[0039].

As per claims 5, 11, Berton teaches the method and article of manufacture of claims 4, 8 wherein “said method additionally comprises the step of sorting search results by said relevancy score in decreasing order prior to returning said predetermined subset of results” at page 7, [0038]-[0039].

As per claim 6, Berton teaches the method of claim 1, wherein “said method is implemented across networks” at page 4, [0029].

As per claim 7, Berton teaches the method of claim 6, wherein “said across networks element comprises any of, or a combination of, the following: wide area network (WAN), local area network (LAN), cellular, wireless, or the Internet” at page 4, [0029].

As per claims 12, 17, Berton teaches a method and article of manufacture for retrieving information comprising the step of:

- “receiving a query” at page 6, [0037];
- “parsing said query and generating a set of query terms” at page 6, [0037];
- “identifying statistical information regarding each of said query terms and different permutations of query terms” at page 6, [0037];
- “identifying lexical affinities associated with said permutation of query terms” at page 6, [0037];
- “classifying said query into a query category based upon results of step c and d” at page 6, [0037];
- “identify a set of ranking parameters associated with query category” at page 1, [0022] and page 6, [0037];
- “identifying routing information associated with said query category” at page 1, [0022] and page 6, [0037];
- “issuing a query to a search engine by applying said identified ranking parameters and said identified routing information” at page 6, [0037];
- “receiving and rendering search results from said search engine” at page 7, [0038]-[0039].

As per claim 13, Berton teaches the method of claim 12, wherein “said step of identifying statistical information additionally comprises the step of analyzing log data” at page 5, [0031].

As per claim 14, Berton teaches the method of claim 12, wherein “said step of identifying statistical information additionally comprises the step of analyzing user feedback” at page 5, [0031].

As per claim 15, Berton teaches the method of claim 12, wherein “said method is implemented across networks” at page 4, [0029].

As per claim 16, Berton teaches the method of claim 15, wherein “said across networks element comprises any of, or a combination of, the following: wide area network (WAN), local area network (LAN), cellular, wireless, or the Internet” at page 4, [0029].

As per claim 18, Berton teaches the method of claim 1, further comprising:

- “performing steps of a-d for each of a plurality of query classes” at page 5, [0031];
- “weighting results from each search engine for each query class according to degree of probability to which the query is associated with each of the query class” at page 6, [0037].

As per claim 19, Berton teaches the method of claim 12 further comprising:

- “performing steps f-l for each of a plurality of query categories” at page 5, [0031];
- “weighting results from each search engine for each query category according to a degree of probability to which the query is associated with each of the query categories” at page 6, [0037].

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham
Examiner
Art Unit 2166

A handwritten signature in black ink, appearing to read 'Kpham', with a long horizontal flourish extending to the right.

July 12, 2006